



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office, 3190 - 160th Ave. S.E. • Bellevue, Washington 98008-5452 • (206) 649-7000

September 7, 2005

CERTIFIED MAIL
7004 2510 0006 4925 6722

Ms. Susan Roth
6236 27th Avenue NE
Seattle, WA 98115-7114

Dear Ms. Roth:

RE: Feasibility Study Work Plan, Terminal 91 Tank Farm Site – Seattle, Washington:
Agreed Order No. DE 98HW-N108

The revised Feasibility Study Work Plan (FSWP) prepared for the Port of Seattle (POS) by PES Environmental, Inc. was received by the Department of Ecology (Ecology) on August 26, 2005. This work plan applied to the portion of the POS Terminal-91 (T-91) facility where RCRA corrective action is being performed pursuant to the Model Toxics Control Act (MTCA) Agreed Order No. DE 98HW-N108.

The final FSWP is a revision of the original Draft FSWP that was received on April 15, 2005. Final revisions were made based on: Comments sent to Roth Consulting (representing the POS) on May 20, 2005; responses to Ecology's comments sent by Roth Consulting on July 14th; a follow-up meeting between POS representatives and Ecology staff on July 26th; and supplemental comments sent to Roth Consulting via email on August 2nd.

With this letter, Ecology is approving the FSWP with conditions/clarifications listed below:

- Under section **5.2.3 Cleanup Levels**: the first paragraph should have referenced the MTCA sediment standards of WAC 173-349-760. Today's work plan approval, therefore, modifies section 5.2.3 to include this reference. The sediment standards should also be referenced in the draft FS report.
- Clarification and condition for section **6.0 Schedule**: This section's basic assumptions are correct, but there is a lack of detail. It is Ecology's understanding that after the first two quarters of Monitored Natural Attenuation (MNA) data have been received and reviewed by the POS's representatives in January/February of 2006, a decision on whether the POS should begin preparations of the draft

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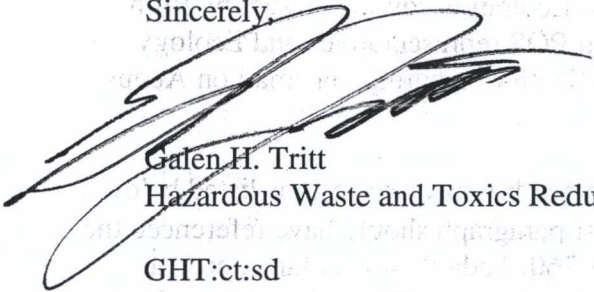
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Feasibility Study will need to be made at that time. In order to make this determination, Ecology requests that a short letter report/technical memorandum be prepared by the POS to discuss the data and propose whether or not an additional two quarters of sampling data is warranted prior to drafting the FS. This technical memorandum should be delivered to Ecology within two weeks after the POS receiving the validated second quarter data. The report format can be discussed and agreed to prior to the end of the year. If a determination is made that there is sufficient data to proceed with the draft FS report, then the report due date will be included in the approval letter from Ecology. If a determination is made that two more quarters of data are needed, Ecology will send an approval letter that will contain a new due date for the draft FS report.

- **Clarification and conditions for section 5.2.1.3 Pathway Associated with Past Impacts to Sediments:** the statement "the POS and Ecology have agreed that investigation and cleanup of marine sediment near Terminal 91 would (if necessary) be addressed through a separate cleanup action involving other potential liable parties" is not entirely correct and is not approved as written. Ecology agrees that the POS does not need to "evaluate historical releases to surface water/sediment" at this time under this FSWP; so this is what Ecology is approving with this letter. However, whether or not there will be a comprehensive investigation involving other potentially liable persons, or just the POS for the submerged property that they own or have impacted, has not yet been determined. (Please also note that the paraphrase you used in this section (Roth Consulting, 2003) does not represent Ecology position and only that of the POS.)

Thank you for your submittal. If you have any questions concerning this letter please contact me at the Department of Ecology Northwest Regional Office by phone at (425) 649-7280 or by email at gttri461@ecy.wa.gov.

Sincerely,



Galen H. Tritt
Hazardous Waste and Toxics Reduction Program, NWRO

GHT:ct:sd

cc: Julie Sellick, Ecology-NWRO
Greg Caron, Ecology-CRO
Damon Delistraty, Ecology-ERO
Jan Palumbo, EPA Region 10
NWRO Central files, POS T-91 HZW File 6.2